

REMARKS

This application has been reviewed in light of the Office Action dated July 23, 2008. Claims 1, 3-6, and 9-11 are presented for examination, of which Claims 1 and 9 are in independent form. Claim 4 has been canceled without prejudice or disclaimer of the subject matter presented therein. Cancellation of Claim 4 renders the rejections thereto moot and Claim 4 will therefore not be mentioned further herein. Claims 1, 3, 5, 6, and 9-11 have been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

The Office Action states that numerous items on the Information Disclosure Statement (IDS) documents filed by Applicants have not been entered into the prior art of record because they do not conform to the requirements of 37 CFR § 1.98. Particularly, the Examiner did not consider five references cited in the IDS filed on June 4, 2008. An IDS listing those five references has been submitted herewith with special attention to the points raised in section 6 of the Office Action. Accordingly, it is respectfully requested that the documents be considered by the Examiner, and that an initialed copy of the IDS submitted herewith be returned indicating that the documents have been considered.

Claims 1, 3-6, and 9-11 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. Applicants have carefully reviewed and amended Claims 1 and 9, as deemed necessary, to ensure that they conform fully to the requirements of Section 112, second paragraph, with special attention to the points raised in section 9 of the Office Action. It is believed that the rejections under Section 112, second paragraph, have been obviated, and their withdrawal is therefore respectfully requested.

The Office Action states that Claims 1, 3-6, 9, and 10 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,590,038 (*Pitroda*); that Claims

5 and 6 are alternatively rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pitroda*; that Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pitroda*; and that Claims 5 and 6 are alternatively rejected under 35 U.S.C. § 103(a) as being unpatentable over *Pitroda* in view of U.S. Patent Appln. Pub. No. 2004/0044627 (*Russell et al.*). Applicants submit that independent Claims 1 and 9, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Notable features of amended Claim 1 are “configuring a first secondary identifier correlated to the first data set and a second secondary identifier correlated to the second data set, wherein the first secondary identifier and the second secondary identifier are configured by the first data set owner and the second data set owner independently” and “authenticating the transaction request using the first secondary identifier indicia if the first data set is selected and using the second secondary identifier indicia if the second data set is selected.” (Emphasis added.) By virtue of these features, multiple issuers may independently choose a level of authentication required for implementation of an account on a multiple account transaction device. For example, a single transaction card may contain two transaction accounts from two different issuers, with one issuer requiring a PIN number for authentication and the other issuer requiring a biometric identifier.¹ This increases the versatility of a multiple account transaction device.

Petroda relates to a universal electronic transaction (UET) card that stores various types of user-specific information (*e.g.*, name, address, date of birth, employee number, insurance policy number, and credit card account numbers). During initialization of the UET card, the user is requested to select a unique authorization code which may be up to 10 digits.

¹ The example(s) provided herein are intended to be illustrative and are not to be construed to limit the scope of the claims.

Access to information stored in the card can then be blocked unless the proper authorization code is entered.

Nothing has been found in *Petroda* that is believed to teach, suggest, or otherwise result in “configuring a first secondary identifier correlated to the first data set and a second secondary identifier correlated to the second data set, wherein the first secondary identifier and the second secondary identifier are configured by the first data set owner and the second data set owner independently” and “authenticating the transaction request using the first secondary identifier indicia if the first data set is selected and using the second secondary identifier indicia if the second data set is selected,” as recited in Claim 1. (Emphasis added) Indeed, in *Petroda*, the authorization code applies to use of the entire card, and is not independently configurable for individual accounts associated with and incorporated on the card. Moreover, the authorization in *Petroda* is configurable only by the card holder not by a particular data set owner (*e.g.*, a particular issuer).

Accordingly, it is believed that the rejections under 35 U.S.C § 103(a) have been obviated, and their withdrawal is therefore respectfully requested.

Independent Claim 9 includes features similar to the independently configurable authentication features discussed above. Therefore, Claim 9 also is believed to be patentable for at least the same reasons as discussed above.

The other rejected claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

A review of the other art of record has failed to reveal anything that, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as applied against the claims herein.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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